

STATE OF ILLINOIS

ILLINOS COMMERCE COMMISSION

City of Granite City,
An Illinois municipal corporation
Petitioner,

vs.

The Department of Transportation of the State of Illinois, for and
in behalf of the People of the State of Illinois, Gateway Eastern
Railway Company, Kansas City Southern Railway Company
(Gateway Western Railway Company), Norfolk Southern Railway
Company, and Union Pacific Railroad Company,
Respondents.

T02-0067

Petition for an Order regarding a separation of grades and
construction of an overpass at Pontoon Road, Granite City,
Illinois, closing of the railway crossing at 22nd Street, an
apportionment of costs thereof, including directing payment to be
borne by the Grade Crossing Protection Fund and other stated or
requested relief.

INTERIM ORDER

By the Commission:

On June 28, 2002, the City of Granite City ("City" or "Petitioner"), filed its
Petition with the Illinois Commerce Commission ("Commission") naming therein
the Illinois Department of Transportation ("IDOT"), Kansas City Southern Railway
Company ("KCS"), Norfolk Southern Railway Company ("NS"), and the Union
Pacific Railroad Company ("UP") as Respondents ("Railroads" inclusive).
Petitioner requests an Order of the Commission for permission to construct a
highway overpass structure to carry Pontoon Road over said Railroads and for
the closure of the 22nd Street crossing in the City. Petitioner further requests that
the cost be apportioned between the parties and the Grade Crossing Protection
Fund ("Fund").

On September 12, 2002, Pursuant to the rules and regulations of the
Commission, this matter came on for hearing before a duly authorized
Administrative Law Judge at the Commission's Office in Springfield, Illinois. The
City, KCS, NS, UP, and IDOT were all represented by counsel. A representative
of the Commission's Rail Safety Section ("Staff") was also present and
participated in the hearing. At the conclusion of the hearing on September 12,
2002, the matter was continued until December 5, 2002.

As required by Law, public notice of the proposed closure of the 22nd Street crossing was published in the Belleville News Democrat on August 11, 2002, a newspaper of general circulation.

City Testimony

Mr. Joseph Juneau, whose firm is retained as the City's Engineers, was asked to review the high speed rail study (proposal) prepared by IDOT and in conjunction with that study, review the possibility of constructing an underpass or overpass at the intersection of Pontoon Road and Ill. Rte. 203. This review evolved into the Petition filed by the City in this matter. Petitioner's Exhibit No. 3 is an aerial photograph taken in 1999 showing Pontoon Road, the tracks of the Railroads, with the improvements overdrawn on the photograph. As can be seen from Petitioner's Exhibit No. 3, the tracks of the Railroads extend in a northeast to southwest direction through the area of Pontoon Road (and 22nd Street, not shown). Ill. Rte. 203 parallels the Railroad's tracks in the vicinity of its intersection with Pontoon Road. Pontoon Road extends in a general east-west direction. The intersection of Pontoon Road with Ill. Rte. 203 is equipped with traffic control signals. The at-grade crossing of Pontoon Road and the four Railroad tracks (from the east, two NS, one KCS, and one UP) are currently equipped with cantilever-mounted automatic flashing light signals and gates. The crossing warning devices are interconnected with the traffic control devices at the Pontoon Road/Ill. Rte. 203 intersection.

As mentioned in the preceding paragraph, Petitioner's Exhibit No. 3 depicts the proposed improvements at the Pontoon Road crossing. The proposed improvements entail the construction of a highway overpass structure to carry Pontoon Road over the Railroad's tracks and Ill. Rte. 203. The overpass structure would extend from North Street to Rode Avenue. A number of auxiliary improvements would need to be undertaken to provide access to the overpass structure such as the reconstruction and reconfiguration of North Street, close Mitchell Avenue, the reconstruction of Amos Avenue, as well as the construction of two new connector roads: (1) from Pontoon Road to Old Alton Road and (2) from Briarcliff Drive over to Century Drive. The connecting roads are being added to the overall overpass project because the residential areas on both sides of Pontoon Road will be losing access to Pontoon Road by the construction of the highway overpass. Braden Avenue, Melrose Avenue, and Briarcliff Drive will also be closed with the construction of the highway overpass structure. The Rode Avenue intersection with Pontoon Road will remain open. There are also new traffic signal controlled intersections proposed with Ill. Rte 203 and North Street, Pontoon Road and North Street, and at Briarhaven Drive and Pontoon Road. Roadway traffic will continue to use Ill. Rte. 203 (Nameoki Road) that will extend under Pontoon Road after the completion of the highway overpass structure. The 23-foot vertical clearance will be sufficient for truck traffic and conform to Commission requirements. Amos Avenue and North Street will be

used by vehicular traffic for access to Pontoon Road and therefore the highway overpass structure. It is the desire of the City that due to the residential neighborhoods, North Street south of Pontoon Road be designated as an on ramp only at this time.

As presented in Petitioner's Exhibit No. 4, the average daily traffic traversing Pontoon Road in the vicinity of the at-grade crossing west of the Ill. Rte 203 intersection, as compiled by IDOT in the year 2000, is 18,000 vehicles per day; east of the intersection the average daily traffic count is 13,700 vehicles per day. On Ill. Rte. 203 north of the intersection with Pontoon Road, the average daily traffic is 13,700 vehicles per day north of the intersection and 23,700 vehicles per day south of the intersection.

There are currently four sets of railroad tracks crossing Pontoon Road. Starting from the east, the first two sets of tracks are NS tracks. The next track is a KCS track and the fourth track is a UP track. There is a track usage agreement between the UP and the KCS whereby KCS trains operate on the UP track. The UP track across Pontoon Road, besides carrying freight train traffic, is part of the High Sped Rail initiative and will carry high-speed train traffic between Chicago and St. Louis, Missouri.

The accident history for the Pontoon Road at grade crossing, as compiled by the Commission, is 24 collisions over the last thirty years resulting in seven fatalities. Exhibit No. 5, prepared by the Granite City Police Department, reflects the type of accidents that have occurred in the vicinity of the Pontoon Road at grade crossing during the years 1997, 1998 and 1999. In 1997, there was one accident reported, in 1998, ten accidents and in 1999, ten accidents. A majority of these accidents occurred between the Pontoon Road/Ill. Rte 203 intersection and the Pontoon Road at grade crossing.

Petitioner's Exhibit No. 6 is a drawing depicting the location of the City's Police and Fire stations and the local hospital. The City has three fire stations. The main firehouse is located adjacent to the police headquarters on Madison Avenue, which houses a number of the City's fire equipment and personnel. The second fire station is located in the west part of the City and the third is located close to the north boundary of the City. Currently, the effected railroad corridor bisects the City in a northerly/southerly direction, dividing the City into roughly two halves. If a fire occurs along the Ill. Rte. 3 corridor or to the west of the railroad tracks and there is a train on one of the tracks, the only non-conflicting direction that the fire equipment or emergency personnel can go is to use Interstate 270, then over the railroad tracks and then back via the Edwards/Old Alton Road connector. This route adds an additional six to seven miles to the response time. There is currently one grade separation structure located at 19th Street that provides east-west access to emergency vehicles. The construction of a grade separation at Pontoon Road would facilitate the movement of traffic,

including emergency vehicles, in the northern portion of the City where no grade separation now exists.

The proposed overpass structure at Pontoon Road, as shown on Petitioner's Exhibits Nos. 7 and 8, is proposed to be approximately 722 feet in length with the highway approach grades being approximately 6% on each side of the structure. When the length of the highway approaches is considered, the total length of the structure increases to approximately 1,400 linear feet extending from Rode Avenue to North Street. The structure itself is contemplated to utilize pre-cast concrete and will have four twelve-foot traffic lanes, pedestrian walkways on both sides of the structure, with a pedestrian fence between the traffic lanes and the pedestrian walkways and a fence on the outside of the structure. From abutment to abutment there will be a total of seven piers and eight spans. Proceeding from east to west, the spans width varies with span (1) being 100' in length, span (2) over Ill. Rte. 203 (Nameoki Road) being 110 feet, span (3) 100 feet, span (4) 77 feet, span (5) over the NS 95 feet, span (6) over the KCS 75', span (7) over the UP 80 feet and span (8) 85 feet. The City has tried to use each Railroads standards pertaining to horizontal clearances in designing each span pier wall adjacent to a railroad track. As mentioned in the proceeding portion of this Interim Order, the vertical clearance over the Railroads' tracks will be 23 feet. In order to maintain traffic on Pontoon Road during construction of the Pontoon Road overpass structure, it is proposed that a two-lane detour road be constructed on the north side of the overpass that would be removed after completion of construction. It will be located about 75 feet north of the existing signals on the east side, north of the existing signals at the Pontoon Road crossing and on the west side, approximately 150 feet north of the existing signals. Railroad warning devices will be required at the temporary Pontoon Road crossing if the bridge structure is constructed. It is proposed that the existing warning devices that are currently interconnected with the traffic control signals at the Pontoon Road intersection with Ill. Rte. 203 be relocated to the temporary crossing. This is being contemplated, but could be a high cost item due to the interconnection. The temporary roadway, including the new crossing, will extend from Rode Avenue to Ill. Rte. 203. Construction traffic will continue to use existing Pontoon Road and the crossing with flagmen protection. The construction of the bridge will allow for the continued access to an International House of Pancakes and O'Brien Tire Service off of Pontoon Road via Ill. Rte. 203.

The City proposes to close the 22nd Street at-grade crossing located to the south of Pontoon Road. Petitioner's Exhibit No. 9 is an aerial photograph of the area of 22nd to 20th Streets in the City. The area around 22nd Street is primarily industrial in nature. Testimony by Petitioner states that the main truck route in the area utilizes Century Drive that parallels the railroads' tracks in the vicinity of the 22nd Street crossing. The average daily traffic using 22nd Street is estimated to be approximately 2,300 vehicles per day. Truck traffic, especially from Ferralloy Corporation, located just north of the 22nd Street crossing on the west

side of the tracks, utilize Century Drive to 22nd Street where the trucks turn to cross the Railroads' tracks and proceed east on 22nd Street to Adams Street where the truck traffic turns to the south to 20th Street. At the 20th Street/Adams Street intersection, truck traffic turns back to the west and once again crosses the Railroads' tracks, jogs onto Missouri Avenue, then back south on 20th Street (20th Street on the west side of the Railroads' tracks has a jog in the roadway). Truck traffic utilizing Century Drive comprises 60% of the overall traffic. To the west of the main line tracks at 22nd Street, the NS has two switch tracks approximately several hundred feet west of the UP track. By closing the 22nd Street crossing, Century Drive can be extended south parallel to and west of the railroad's tracks to 20th Street on property currently owned by the NS and the UP. For that portion of Century Drive that already has been constructed, the City obtained a permanent easement from the railroads for any railroad property necessary for the construction of the roadway. The City is contemplating that the railroads will donate the required property as part of their contribution to the extension of Century Drive as part of the overall project. In addition, there are several office buildings belonging to the NS within the right of way needed for the extension and construction of Century Drive. This will result in the establishment of a new at-grade crossing with 20th Street and the NS spur tracks. Railroad warning devices will be required for the newly established crossing since the average daily traffic utilizing the newly established crossing will exceed the amount of vehicular traffic currently using the existing crossing with the switch tracks. The traffic will increase at the newly established crossing because currently, truck traffic cannot turn to the right over the existing switch track crossing but will be able to turn to the right at the newly established crossing. Barricades are proposed for the main line track and the switch track crossings while allowing access to the businesses located between the switch tracks and the main line tracks from Century Drive.

From information obtained from the Rail Safety Section of the Commission, there have been fourteen (14) recorded train/vehicular collisions at the 22nd Street crossing with one fatality in 1988. The Granite City Police Department records indicate that two vehicular/vehicular accidents have occurred in the vicinity of the 22nd Street crossing. These two accidents were both vehicular rear end accidents.

If the 22nd Street crossing were ordered closed by the Commission, the next available crossings are at the reconfigured 20th Street new at grade crossing (to the west), the 19th Street overpass structure located approximately ½ mile to the south of the 22nd Street crossing, or to the 25th at grade crossing located three blocks to the north of the 22nd Street crossing.

According to Petitioner's Exhibit No. 12, the estimated cost for the project is \$23,845,561. Line items costs for both the Pontoon Road overpass project and the closure of the 22nd Street crossing are included in the estimate. Included in the estimate for the Pontoon Road portion of the project is the acquisition and

demolition of nineteen (19) residential properties. Eleven (11) commercial properties are being studied for possible acquisition but the cost in the Exhibit No. 12 is for demolition only. There is a pump station and detention basin located near Briarcliff Drive which is the only storm water relief for the subdivision located to the west of the railroads' tracks and south of Pontoon Road. This pump station and detention basin will need to be modified to accommodate the additional water from the overpass structure. A borrow pit will need to be acquired due to the large amount of fill that will be required for the overpass structure. There are cost included for the demolition of existing roadways and traffic signal improvements at several new intersections. There are costs associated with the reconstruction of North Street from a two-lane roadway to the five-lane roadway. Also included are costs associated with railroad force account work such as railroad flagman and railroad liability insurance. There is the cost for the bridge structure from abutment to abutment and for the cost of the highway approaches to the bridge structure. At 22nd Street, there are costs associated with special clean up and waste removal because the Century Road extension will encroach on a Super Fund site. There is a 15% contingency fund and design and construction engineering costs that bring the total estimated cost for the Pontoon Road and 22nd Street project to an estimated \$23,845,561. This estimated cost could increase due to the actual cost to acquire the necessary property and the cost to relocate businesses. The eligibility of some of these line items, especially the extra roadways, for Fund reimbursement, will be addressed at the hearing pertaining to the construction phase of the project.

The City proposes that the cost for the project be divided 70% to the Fund; the sum of \$6,500,000 to the IDOT; \$1,100,000 from Madison County to cover any cost overruns if the project exceeds the approximate \$24 million project cost and 7% of the project costs to the Railroads. Negotiations are underway between the Department and the City for a jurisdictional transfer of a portion of Pontoon Road located west of the Pontoon Road crossing to Ill. Rte. 3, whereby the IDOT will pay the City to take over jurisdiction for the roadway. This money can also be used to offset any cost overrun.

Petitioner's Exhibit No. 13 is a summary of the initial design phase where the soil borings and analysis is required in order to properly design the bridge structure. The right of way documents are necessary so that the exact limits of what properties will need to be acquired or affected by the construction. Design engineering would also be completed in this phase of the project, including soil reports, subsurface investigations, traffic studies and counts, preparation of the bridge and intersection designs, hydraulic reports, and the preparation of plans, cost estimates, special provisions. There will also be some environmental documents prepared during this initial phase of the project. Once the limits of the required right of way is set, public meetings with the affected individuals will be held to discuss the project and to property to be taken.

After review of the record in this case, Staff is of the opinion that an Interim Order be entered granting permission for the City to construct a highway overpass structure in place of an existing at grade crossing of the tracks of the NS, KCS, and UP and Pontoon Road in the northern portion of the City. Staff further recommends that the Commission's Interim Order be limited to granting permission to the City to proceed with the design engineering, right-of-way assessment and documentation, and soil and boring analysis. The City will be required to submit quarterly reports notifying the Director of Processing and Information, Transportation Division of the Commission, of the status of the project. In addition, five (5) status hearings are to be scheduled between the entry of the Interim Order and December 31, 2003. These hearings will be scheduled at the discretion of the Administrative Law Judge.

The Interim Order should also obligate money from the Fund and from IDOT for only the items listed in the table below. The cost of these items should be allocated between the Fund and IDOT with the understanding that the Fund will pay no more than 70%, not to exceed \$17,500,000, of the total project cost and that its participation in this Interim Order is part of the overall 70% (capped at \$17,500,000) Fund obligation. This principle also applies to IDOT in that the \$900,000 is part of its overall contribution of \$6,500,000. There are no federal funds involved in the project.

The Commission, having given due consideration to the testimony and evidence presented herein, finds that:

- 1) the Commission has jurisdiction over the parties hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Interim Order are true and correct and are hereby adopted as findings of fact;
- 3) permission should be granted to the City to proceed with the preliminary engineering, right of way assessment and documentation, and soil boring and analysis through this Interim Order; upon completion of the preliminary engineering, right of way assessment and soil boring analysis; a determination through a further Commission hearing will determine if the project is to proceed;
- 4) the cost for the preliminary engineering, right of way assessment and documentation, and soil boring and analysis, should be divided between the Fund and the IDOT in the following manner:

	Estimated Cost	FUND	IDOT
Preliminary Engineering	\$1,870,000	\$970,000	\$900,000
Right of Way Assessment and Documentation	\$180,000	100% \$180,000	--
Soil Boring and Analysis	\$150,000	100% \$150,000	--
*Total Cost	\$2,200,000	\$1,300,000	\$900,000

*the amount to be paid by the Fund toward all three line items shall not exceed \$1,300,000; the amount to be paid by IDOT toward the preliminary engineering shall not exceed \$900,000; all remaining cost for the aforementioned work shall be borne by the City.

- 5) the participation of the Fund and from IDOT shall be phased in over a period of twelve months as shown below; **Fund and IDOT allocations shall become available also on the dates as shown below.**

Stage	Fund/IDOT availability date	Fund Allocation	IDOT Allocation	Total
Stage 1	January 1, 2003	20% not to exceed \$260,000	20% not to exceed \$180,000	\$440,000
Stage 2	March 1, 2003	35% not to exceed \$455,000	35% not to exceed \$315,000	\$770,000
Stage 3	June 1, 2003	5% not to exceed 65,000\$	5% not to exceed \$45,000	\$110,000
Stage 4	September 1 2003	30% not to exceed \$390,000	30% not to exceed \$270,000	\$660,000
Stage 5	December 1 2003	10% not to exceed \$130,000	10% not to exceed \$90,000	\$220,000
Total		Not to exceed \$1,300,000	Not to exceed \$900,000	\$2,200,000

- 6) Five (5) status hearings may be conducted between the entry of the Interim Order and December, 2003; the dates of the status hearings will be determined by the Administrative Law Judge; the Administrative Law Judge shall have the right to cancel the project at any time from information provided at these status hearings;

IT IS THEREFORE ORDERED by the Commission that an Interim Order be and it is hereby, entered granting permission to the City to proceed with the preliminary engineering, right of way assessment and documentation, and soil boring and analysis, pertaining to the proposed construction of a highway overpass structure to carry Pontoon Road over the tracks of the NS, KCS and the UP and Ill. Rte. 203 (Nameoki Road), in the City.

IT IS FURTHER ORDERED that the City be and it is hereby, required and directed to submit a written notice to the Director of Processing and Information, Transportation Division of the Commission, with a copy to all parties in this case, upon the completion of the preliminary engineering, right of way assessment and documentation, and soil boring and analysis. Upon notification by the City to the Director of Processing and Information, of the completion of the preliminary engineering, right of way assessment and documentation, and soil boring and analysis, the Administrative Law Judge shall schedule a further hearing to ascertain the feasibility of the project. If the project is to proceed, the hearing shall take evidence on the construction phase of the project and for a division of cost between the parties and the Fund for cost to be incurred during the construction phase of the project.



IT IS FURTHER ORDERED that status hearings may be scheduled in this matter up to and including December, 2003. After the December, 2003, status hearing, a decision will be made whether to continue with the project and proceed to the aforementioned hearing pertaining to the construction phase of the project and associated division of cost for the construction phase.

IT IS FURTHER ORDERED that the City be and it is hereby, required and directed to file quarterly reports, beginning from the date of this Interim Order, continuing to December 31, 2003, with the Director of Processing and Information, Transportation Division of the Commission, stating the status of the project and of the bills requesting reimbursement from the Fund.

IT IS FURTHER ORDERED the cost for the preliminary engineering, right of way assessment and documentation, and soil boring and analysis, shall be divided between the Fund and the IDOT in the manner as prescribed in Findings (4) and (5) of this Interim Order.

IT IS FURTHER ORDERED that subject to sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 4th day of December, 2002.

JUDGE	
SECTION CHIEF	
ORDERS SUPERVISOR	


Chairman